

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,

No. C 07-959 SI (pr)

Plaintiff,

ORDER

v.

OFFICER J. SAMPLE,

Defendant.

Plaintiff has filed a "request for leave to have the filing fee obligations recovered/retracted per the mandate filed in this case." (Docket # 87.) Plaintiff wants the court to order defendant and/or the CDCR to pay back the portion of the filing fee he has paid and to end the obligation on his inmate account for the rest of the filing fee. The request is DENIED. After plaintiff prevailed on appeal and the case was remanded to this court, the parties settled the case. Their settlement agreement included a release of any claim for plaintiff's filing fees. Specifically, the settlement agreement provided: "Plaintiff also fully and forever releases and discharges Defendants, all served and unserved Defendants, the State of California, CDCR (including, but not limited to its representatives, agents, and employees), Pelican Bay State Prison (including, but not limited to its representatives, agents, and employees), and any unnamed defendants, past or present, from all claims, demands, actions, and causes of action *including claims for attorneys' fees, court costs, and other costs of suit*, arising out of any alleged injury or claim incurred by Plaintiff as alleged in the actions." Docket # 85-1, p. 5 (emphasis

1 added). In light of that settlement agreement, plaintiff is not entitled to recover the filing fee
2 from defendant or the CDCR.

3 IT IS SO ORDERED.

4 Dated: February 1, 2012



SUSAN ILLSTON
United States District Judge